

RD AN No. 3776 (2006-P)  
August 1, 2002

**TO:** Rural Development State Directors,  
Rural Development Managers, and  
Community Development Managers

**ATTN:** Program Directors, State Environmental Coordinators, and  
State Civil Rights Coordinators/Managers

**FROM:** Arthur A. Garcia                   *(Signed by Arthur A. Garcia)*  
Administrator  
Rural Housing Service

John Rosso  
Administrator  
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Hilda Gay Legg  
Administrator  
Rural Utilities Service

**SUBJECT:** Civil Rights Impact Analysis

**PURPOSE/INTENDED OUTCOME:**

The purpose of this Administrative Notice (AN) is to clarify the requirements of RD Instruction 2006-P, "Civil Rights Impact Analysis," issued March 1, 1995, and its relationship to Executive Order (E.O.) 12898, "Environmental Justice," issued February 11, 1994.

**COMPARISON WITH PREVIOUS AN:**

This AN replaces RD AN 3548 (2006-P) which expired November 30, 2000.

Expiration Date:  
June 30, 2003

Filing Instructions:  
Preceding RD Instruction 2006-P

## **IMPLEMENTATION RESPONSIBILITIES:**

RD Instruction 2006-P, "Civil Rights Impact Analysis," was issued on March 1, 1995, to implement the requirements of Departmental Regulation 4300-4. RD Instruction 2006-P requires that a Civil Rights Impact Analysis be conducted prior to approving and implementing a wide range of agency activities, including, but not limited to, the approval of loans and grants. The Civil Rights Impact Analysis must be documented on Form RD 2006-38.

As a separate initiative, E.O. 12898, "Environmental Justice," was signed on February 11, 1994. E.O. 12898 requires each Federal agency to make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. Departmental Regulation 5600-2, issued on December 15, 1997, provides further guidance on implementation of E.O. 12898.

Until further notice, compliance with RD Instruction 2006-P will not only fulfill Rural Development obligations under Departmental Regulation 4300-4, but also its obligations under E.O. 12898 and Departmental Regulation 5600-2.

## **ADDITIONAL INFORMATION:**

As indicated above, when grants and loans (direct or guaranteed) are proposed, a Civil Rights Impact Analysis in regard to environmental justice must be conducted and the analysis documented utilizing Form RD 2006-38. This must be done prior to loan approval, obligation of funds, or other commitment of agency resources, including issuance of a letter of conditions or a conditional commitment of guarantee, whichever occurs first. Environmental review documents, including Environmental Assessments and Environmental Impact Statements, prepared pursuant to 7 CFR 1940-G and 7 CFR 1794, must include a cross-reference to Form RD 2006-38.

The certifying official will attach, as supporting documentation to Form RD 2006-38, census data and a map of the service area to be impacted. The map must identify the location of the proposed site, any minority or low-income communities, industrial sites, (such as sewage and solid waste treatment facilities and industrial parks), railroad tracks, and farms that routinely crop dust.

Agency officials are not, at this time, expected to conduct the Civil Rights Impact Analyses for individual Single Family Housing loans and/or grants (direct or guaranteed). In addition, an analysis is not required for a servicing action (transfer, assumption, subordination, etc.) unless civil rights concerns in regard to environmental justice have been identified or unless an environmental justice complaint has been made.

Another objective of the E.O. is to ensure that minority and low-income communities have adequate access to public information. This may require that special outreach efforts be used prior to approving loans or grants to reach minority or low-income communities that will be affected by agency actions. Examples of special outreach efforts include, but are not limited to, translating and using alternative language newspapers and local newspapers with circulation in the area affected when public notices are published, consulting with diverse minority leaders within the community, using interpreters at public meetings, and making sure the public meeting is held in a building that is accessible to the disabled.

Whenever environmental justice or civil rights impact concerns are raised by the public or the Department, the concerns must be included in and addressed by the analysis. As needed, consultation must occur with other agencies or experts in a particular field to address those concerns. Documentation of any consultation, advice that is given, and any mitigating measures that are recommended or taken, must be made a part of the record.

The State Director, or official designated to certify on his or her behalf, is the certification official for analyses conducted at the State Office level. For loan and grant approvals, this will normally be the loan processing or servicing official. The State Civil Rights Coordinator/Manager will assist the loan official on an as-needed basis and will provide advice and guidance to the State Director and field staff. For Electric and Telecommunications Programs, the Assistant Administrator, or official designated to certify on his or her behalf, is the certification official.

Further technical advice and assistance in the Civil Rights Impact Analysis process is available through the National Office. Civil rights questions should be referred to Willie A. Williams, Civil Rights Staff, at (202) 692-0096 (Voice) or 692-0107 (TDD). Environmental questions should be referred to Susan Wieferrich, on behalf of the Rural Housing Service and Rural Business-Cooperative Service at (202) 720-9647, or Mark Plank, Rural Utilities Service, at (202) 720-1649, as appropriate.